

AMENDED IN SENATE APRIL 15, 2013

SENATE BILL

No. 745

Introduced by Committee on Transportation and Housing (Senators DeSaulnier (Chair), Beall, Cannella, Gaines, Galgiani, Hill, Lara, Liu, Pavley, Roth, and Wyland)

February 22, 2013

An act to amend Sections 1941.4, 2924b, 4005, 4035, 4090, 4290, 4525, 4528, and 4530 of, and to repeal Sections 1363.05, 1368, and 1368.2 of, the Civil Code, ~~and~~ to amend Section 12191 of, *and to repeal Section 65585.2 of*, the Government Code, *and to amend Section 13114 of the Health and Safety Code*, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 745, as amended, Committee on Transportation and Housing. Housing.

(1) Existing law, the Davis-Sterling Common Interest Development Act defines and regulates common interest developments. Operative January 1, 2014, the act will be reorganized and recodified.

This bill would repeal provisions of the act that are superseded by the reorganization and recodification of the act. The bill would make other conforming changes, would authorize delivery of documents to the homeowner's association by specified types of mail delivery, would revise requirements for a board teleconference and the form for billing disclosures, and would prohibit cancellation fees for requests for documents, as specified.

(2) Existing law requires the lessor of a building intended for residential occupation to ensure that the inside telephone wiring meets the applicable standards of the most recent National Electrical Code.

This bill would replace the reference to the National Electrical Code with the California Electrical Code.

(3) *Existing law requires the State Fire Marshal to adopt regulations to control the quality and installation of fire alarm systems and devices, and prohibits the marketing, distribution, or sale of any fire alarm system or device that has not been approved by the State Fire Marshal.*

Existing law, commencing January 1, 2014, requires a smoke alarm to meet prescribed requirements, including, but not limited to, the requirement that it incorporate an end-of-life feature that provides notice that the device needs to be replaced in order for the smoke alarm to be approved by the State Fire Marshal, and authorizes the State Fire Marshal to suspend enforcement of this requirement for a period not to exceed 6 months.

This bill would delete the requirement that a smoke alarm incorporate an end-of-life feature, and, the authority for the State Fire Marshal to suspend its enforcement.

(4) *This bill would delete an obsolete provision related to eligibility for funding under the Housing and Emergency Shelter Trust Fund Act of 2002.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1363.05 of the Civil Code is repealed.
- 2 SEC. 2. Section 1368 of the Civil Code is repealed.
- 3 SEC. 3. Section 1368.2 of the Civil Code is repealed.
- 4 SEC. 4. Section 1941.4 of the Civil Code is amended to read:
- 5 1941.4. The lessor of a building intended for the residential
- 6 occupation of human beings shall be responsible for installing at
- 7 least one usable telephone jack and for placing and maintaining
- 8 the inside telephone wiring in good working order, shall ensure
- 9 that the inside telephone wiring meets the applicable standards of
- 10 the most recent California Electrical Code, and shall make any
- 11 required repairs. The lessor shall not restrict or interfere with access
- 12 by the telephone utility to its telephone network facilities up to the
- 13 demarcation point separating the inside wiring.
- 14 “Inside telephone wiring” for purposes of this section, means
- 15 that portion of the telephone wire that connects the telephone
- 16 equipment at the customer’s premises to the telephone network at

1 a demarcation point determined by the telephone corporation in
2 accordance with orders of the Public Utilities Commission.

3 SEC. 5. Section 2924b of the Civil Code is amended to read:

4 2924b. (a) Any person desiring a copy of any notice of default
5 and of any notice of sale under any deed of trust or mortgage with
6 power of sale upon real property or an estate for years therein, as
7 to which deed of trust or mortgage the power of sale cannot be
8 exercised until these notices are given for the time and in the
9 manner provided in Section 2924 may, at any time subsequent to
10 recordation of the deed of trust or mortgage and prior to recordation
11 of notice of default thereunder, cause to be filed for record in the
12 office of the recorder of any county in which any part or parcel of
13 the real property is situated, a duly acknowledged request for a
14 copy of the notice of default and of sale. This request shall be
15 signed and acknowledged by the person making the request,
16 specifying the name and address of the person to whom the notice
17 is to be mailed, shall identify the deed of trust or mortgage by
18 stating the names of the parties thereto, the date of recordation
19 thereof, and the book and page where the deed of trust or mortgage
20 is recorded or the recorder's number, and shall be in substantially
21 the following form:

22
23 "In accordance with Section 2924b, Civil Code, request is hereby
24 made that a copy of any notice of default and a copy of any notice of sale
25 under the deed of trust (or mortgage) recorded _____, _____, in Book
26 _____ page _____ records of _____ County, (or filed for record with
27 recorder's serial number _____, _____ County) California, executed
28 by _____ as trustor (or mortgagor) in which _____ is named as
29 beneficiary (or mortgagee) and _____ as trustee be mailed to
30 _____ at _____.
31 Name Address

32 NOTICE: A copy of any notice of default and of any notice of sale will be
33 sent only to the address contained in this recorded request. If your address
34 changes, a new request must be recorded.

35 Signature _____"

36
37 Upon the filing for record of the request, the recorder shall index
38 in the general index of grantors the names of the trustors (or
39 mortgagor) recited therein and the names of persons requesting
40 copies.

(b) The mortgagee, trustee, or other person authorized to record the notice of default or the notice of sale shall do each of the following:

(1) Within 10 business days following recordation of the notice of default, deposit or cause to be deposited in the United States mail an envelope, sent by registered or certified mail with postage prepaid, containing a copy of the notice with the recording date shown thereon, addressed to each person whose name and address are set forth in a duly recorded request therefor, directed to the address designated in the request and to each trustor or mortgagor at his or her last known address if different than the address specified in the deed of trust or mortgage with power of sale.

(2) At least 20 days before the date of sale, deposit or cause to be deposited in the United States mail an envelope, sent by registered or certified mail with postage prepaid, containing a copy of the notice of the time and place of sale, addressed to each person whose name and address are set forth in a duly recorded request therefor, directed to the address designated in the request and to each trustor or mortgagor at his or her last known address if different than the address specified in the deed of trust or mortgage with power of sale.

(3) As used in paragraphs (1) and (2), the “last known address” of each trustor or mortgagor means the last business or residence physical address actually known by the mortgagee, beneficiary, trustee, or other person authorized to record the notice of default. For the purposes of this subdivision, an address is “actually known” if it is contained in the original deed of trust or mortgage, or in any subsequent written notification of a change of physical address from the trustor or mortgagor pursuant to the deed of trust or mortgage. For the purposes of this subdivision, “physical address” does not include an e-mail or any form of electronic address for a trustor or mortgagor. The beneficiary shall inform the trustee of the trustor’s last address actually known by the beneficiary. However, the trustee shall incur no liability for failing to send any notice to the last address unless the trustee has actual knowledge of it.

(4) A “person authorized to record the notice of default or the notice of sale” shall include an agent for the mortgagee or beneficiary, an agent of the named trustee, any person designated

1 in an executed substitution of trustee, or an agent of that substituted
2 trustee.

3 (c) The mortgagee, trustee, or other person authorized to record
4 the notice of default or the notice of sale shall do the following:

5 (1) Within one month following recordation of the notice of
6 default, deposit or cause to be deposited in the United States mail
7 an envelope, sent by registered or certified mail with postage
8 prepaid, containing a copy of the notice with the recording date
9 shown thereon, addressed to each person set forth in paragraph
10 (2), provided that the estate or interest of any person entitled to
11 receive notice under this subdivision is acquired by an instrument
12 sufficient to impart constructive notice of the estate or interest in
13 the land or portion thereof that is subject to the deed of trust or
14 mortgage being foreclosed, and provided the instrument is recorded
15 in the office of the county recorder so as to impart that constructive
16 notice prior to the recording date of the notice of default and
17 provided the instrument as so recorded sets forth a mailing address
18 that the county recorder shall use, as instructed within the
19 instrument, for the return of the instrument after recording, and
20 which address shall be the address used for the purposes of mailing
21 notices herein.

22 (2) The persons to whom notice shall be mailed under this
23 subdivision are:

24 (A) The successor in interest, as of the recording date of the
25 notice of default, of the estate or interest or any portion thereof of
26 the trustor or mortgagor of the deed of trust or mortgage being
27 foreclosed.

28 (B) The beneficiary or mortgagee of any deed of trust or
29 mortgage recorded subsequent to the deed of trust or mortgage
30 being foreclosed, or recorded prior to or concurrently with the
31 deed of trust or mortgage being foreclosed but subject to a recorded
32 agreement or a recorded statement of subordination to the deed of
33 trust or mortgage being foreclosed.

34 (C) The assignee of any interest of the beneficiary or mortgagee
35 described in subparagraph (B), as of the recording date of the notice
36 of default.

37 (D) The vendee of any contract of sale, or the lessee of any
38 lease, of the estate or interest being foreclosed that is recorded
39 subsequent to the deed of trust or mortgage being foreclosed, or
40 recorded prior to or concurrently with the deed of trust or mortgage

1 being foreclosed but subject to a recorded agreement or statement
2 of subordination to the deed of trust or mortgage being foreclosed.

3 (E) The successor in interest to the vendee or lessee described
4 in subparagraph (D), as of the recording date of the notice of
5 default.

6 (F) The office of the Controller, Sacramento, California, where,
7 as of the recording date of the notice of default, a “Notice of Lien
8 for Postponed Property Taxes” has been recorded against the real
9 property to which the notice of default applies.

10 (3) At least 20 days before the date of sale, deposit or cause to
11 be deposited in the United States mail an envelope, sent by
12 registered or certified mail with postage prepaid, containing a copy
13 of the notice of the time and place of sale addressed to each person
14 to whom a copy of the notice of default is to be mailed as provided
15 in paragraphs (1) and (2), and addressed to the office of any state
16 taxing agency, Sacramento, California, that has recorded,
17 subsequent to the deed of trust or mortgage being foreclosed, a
18 notice of tax lien prior to the recording date of the notice of default
19 against the real property to which the notice of default applies.

20 (4) Provide a copy of the notice of sale to the Internal Revenue
21 Service, in accordance with Section 7425 of the Internal Revenue
22 Code and any applicable federal regulation, if a “Notice of Federal
23 Tax Lien under Internal Revenue Laws” has been recorded,
24 subsequent to the deed of trust or mortgage being foreclosed,
25 against the real property to which the notice of sale applies. The
26 failure to provide the Internal Revenue Service with a copy of the
27 notice of sale pursuant to this paragraph shall be sufficient cause
28 to rescind the trustee’s sale and invalidate the trustee’s deed, at
29 the option of either the successful bidder at the trustee’s sale or
30 the trustee, and in either case with the consent of the beneficiary.
31 Any option to rescind the trustee’s sale pursuant to this paragraph
32 shall be exercised prior to any transfer of the property by the
33 successful bidder to a bona fide purchaser for value. A rescision of
34 the trustee’s sale pursuant to this paragraph may be recorded in a
35 notice of rescision pursuant to Section 1058.5.

36 (5) The mailing of notices in the manner set forth in paragraph
37 (1) shall not impose upon any licensed attorney, agent, or employee
38 of any person entitled to receive notices as herein set forth any
39 duty to communicate the notice to the entitled person from the fact

1 that the mailing address used by the county recorder is the address
2 of the attorney, agent, or employee.

3 (d) Any deed of trust or mortgage with power of sale hereafter
4 executed upon real property or an estate for years therein may
5 contain a request that a copy of any notice of default and a copy
6 of any notice of sale thereunder shall be mailed to any person or
7 party thereto at the address of the person given therein, and a copy
8 of any notice of default and of any notice of sale shall be mailed
9 to each of these at the same time and in the same manner required
10 as though a separate request therefor had been filed by each of
11 these persons as herein authorized. If any deed of trust or mortgage
12 with power of sale executed after September 19, 1939, except a
13 deed of trust or mortgage of any of the classes excepted from the
14 provisions of Section 2924, does not contain a mailing address of
15 the trustor or mortgagor therein named, and if no request for special
16 notice by the trustor or mortgagor in substantially the form set
17 forth in this section has subsequently been recorded, a copy of the
18 notice of default shall be published once a week for at least four
19 weeks in a newspaper of general circulation in the county in which
20 the property is situated, the publication to commence within 10
21 business days after the filing of the notice of default. In lieu of
22 publication, a copy of the notice of default may be delivered
23 personally to the trustor or mortgagor within the 10 business days
24 or at any time before publication is completed, or by posting the
25 notice of default in a conspicuous place on the property and mailing
26 the notice to the last known address of the trustor or mortgagor.

27 (e) Any person required to mail a copy of a notice of default or
28 notice of sale to each trustor or mortgagor pursuant to subdivision
29 (b) or (c) by registered or certified mail shall simultaneously cause
30 to be deposited in the United States mail, with postage prepaid and
31 mailed by first-class mail, an envelope containing an additional
32 copy of the required notice addressed to each trustor or mortgagor
33 at the same address to which the notice is sent by registered or
34 certified mail pursuant to subdivision (b) or (c). The person shall
35 execute and retain an affidavit identifying the notice mailed,
36 showing the name and residence or business address of that person,
37 that he or she is over the age of 18 years, the date of deposit in the
38 mail, the name and address of the trustor or mortgagor to whom
39 sent, and that the envelope was sealed and deposited in the mail
40 with postage fully prepaid. In the absence of fraud, the affidavit

1 required by this subdivision shall establish a conclusive
2 presumption of mailing.

3 (f) (1) Notwithstanding subdivision (a), with respect to separate
4 interests governed by an association, as defined in Section 4080,
5 the association may cause to be filed in the office of the recorder
6 in the county in which the separate interests are situated a request
7 that a mortgagee, trustee, or other person authorized to record a
8 notice of default regarding any of those separate interests mail to
9 the association a copy of any trustee's deed upon sale concerning
10 a separate interest. The request shall include a legal description or
11 the assessor's parcel number of all the separate interests. A request
12 recorded pursuant to this subdivision shall include the name and
13 address of the association and a statement that it is a homeowners'
14 association. Subsequent requests of an association shall supersede
15 prior requests. A request pursuant to this subdivision shall be
16 recorded before the filing of a notice of default. The mortgagee,
17 trustee, or other authorized person shall mail the requested
18 information to the association within 15 business days following
19 the date of the trustee's sale. Failure to mail the request, pursuant
20 to this subdivision, shall not affect the title to real property.

21 (2) A request filed pursuant to paragraph (1) does not, for
22 purposes of Section 27288.1 of the Government Code, constitute
23 a document that either effects or evidences a transfer or
24 encumbrance of an interest in real property or that releases or
25 terminates any interest, right, or encumbrance of an interest in real
26 property.

27 (g) No request for a copy of any notice filed for record pursuant
28 to this section, no statement or allegation in the request, and no
29 record thereof shall affect the title to real property or be deemed
30 notice to any person that any person requesting copies of notice
31 has or claims any right, title, or interest in, or lien or charge upon
32 the property described in the deed of trust or mortgage referred to
33 therein.

34 (h) "Business day," as used in this section, has the meaning
35 specified in Section 9.

36 SEC. 6. Section 4005 of the Civil Code is amended to read:

37 4005. Division, part, title, chapter, article, and section headings
38 do not in any manner affect the scope, meaning, or intent of this
39 part.

40 SEC. 7. Section 4035 of the Civil Code is amended to read:

1 4035. (a) If a provision of this part requires that a document
2 be delivered to an association, the document shall be delivered to
3 the person designated in the annual policy statement, prepared
4 pursuant to Section 5310, to receive documents on behalf of the
5 association. If no person has been designated to receive documents,
6 the document shall be delivered to the president or secretary of
7 the association.

8 (b) A document delivered pursuant to this section may be
9 delivered by any of the following methods:

10 (1) By e-mail, facsimile, or other electronic means, if the
11 association has assented to that method of delivery.

12 (2) By personal delivery, if the association has assented to that
13 method of delivery. If the association accepts a document by
14 personal delivery it shall provide a written receipt acknowledging
15 delivery of the document.

16 (3) By first-class mail, postage prepaid, registered or certified
17 mail, express mail, or overnight delivery by an express service
18 center.

19 SEC. 8. Section 4090 of the Civil Code is amended to read:

20 4090. “Board meeting” means either of the following:

21 (a) A congregation, at the same time and place, of a sufficient
22 number of directors to establish a quorum of the board, to hear,
23 discuss, or deliberate upon any item of business that is within the
24 authority of the board.

25 (b) A teleconference, where a sufficient number of directors to
26 establish a quorum of the board, in different locations, are
27 connected by electronic means, through audio or video, or both.
28 A teleconference meeting shall be conducted in a manner that
29 protects the rights of members of the association and otherwise
30 complies with the requirements of this act. Except for a meeting
31 that will be held solely in executive session, the notice of the
32 teleconference meeting shall identify at least one physical location
33 so that members of the association may attend, and at least one
34 director or a person designated by the board shall be present at
35 that location. Participation by directors in a teleconference meeting
36 constitutes presence at that meeting as long as all directors
37 participating are able to hear one another, as well as members of
38 the association speaking on matters before the board.

39 SEC. 9. Section 4290 of the Civil Code is amended to read:

1 4290. (a) The certificate consenting to the recordation of a
2 condominium plan that is required by subdivision (c) of Section
3 4185 shall be signed and acknowledged by all of the following
4 persons:

5 (1) The record owner of fee title to that property included in the
6 condominium project.

7 (2) In the case of a condominium project that will terminate
8 upon the termination of an estate for years, by all lessors and
9 lessees of the estate for years.

10 (3) In the case of a condominium project subject to a life estate,
11 by all life tenants and remainder interests.

12 (4) The trustee or the beneficiary of each recorded deed of trust,
13 and the mortgagee of each recorded mortgage encumbering the
14 property.

15 (b) Owners of mineral rights, easements, rights-of-way, and
16 other nonpossessory interests do not need to sign the certificate.

17 (c) In the event a conversion to condominiums of a community
18 apartment project or stock cooperative has been approved by the
19 required number of owners, trustees, beneficiaries, and mortgagees
20 pursuant to Section 66452.10 of the Government Code, the
21 certificate need only be signed by those owners, trustees,
22 beneficiaries, and mortgagees approving the conversion.

23 SEC. 10. Section 4525 of the Civil Code is amended to read:

24 4525. (a) The owner of a separate interest shall provide the
25 following documents to a prospective purchaser of the separate
26 interest, as soon as practicable before the transfer of title or the
27 execution of a real property sales contract, as defined in Section
28 2985:

29 (1) A copy of all governing documents. If the association is not
30 incorporated, this shall include a statement in writing from an
31 authorized representative of the association that the association is
32 not incorporated.

33 (2) If there is a restriction in the governing documents limiting
34 the occupancy, residency, or use of a separate interest on the basis
35 of age in a manner different from that provided in Section 51.3, a
36 statement that the restriction is only enforceable to the extent
37 permitted by Section 51.3 and a statement specifying the applicable
38 provisions of Section 51.3.

39 (3) A copy of the most recent documents distributed pursuant
40 to Article 7 (commencing with Section 5300) of Chapter 6.

1 (4) A true statement in writing obtained from an authorized
2 representative of the association as to the amount of the
3 association's current regular and special assessments and fees, any
4 assessments levied upon the owner's interest in the common
5 interest development that are unpaid on the date of the statement,
6 and any monetary fines or penalties levied upon the owner's
7 interest and unpaid on the date of the statement. The statement
8 obtained from an authorized representative shall also include true
9 information on late charges, interest, and costs of collection which,
10 as of the date of the statement, are or may be made a lien upon the
11 owner's interest in a common interest development pursuant to
12 Article 2 (commencing with Section 5650) of Chapter 8.

13 (5) A copy or a summary of any notice previously sent to the
14 owner pursuant to Section 5855 that sets forth any alleged violation
15 of the governing documents that remains unresolved at the time
16 of the request. The notice shall not be deemed a waiver of the
17 association's right to enforce the governing documents against the
18 owner or the prospective purchaser of the separate interest with
19 respect to any violation. This paragraph shall not be construed to
20 require an association to inspect an owner's separate interest.

21 (6) A copy of the initial list of defects provided to each member
22 pursuant to Section 6000, unless the association and the builder
23 subsequently enter into a settlement agreement or otherwise resolve
24 the matter and the association complies with Section 6100.
25 Disclosure of the initial list of defects pursuant to this paragraph
26 does not waive any privilege attached to the document. The initial
27 list of defects shall also include a statement that a final
28 determination as to whether the list of defects is accurate and
29 complete has not been made.

30 (7) A copy of the latest information provided for in Section
31 6100.

32 (8) Any change in the association's current regular and special
33 assessments and fees which have been approved by the board, but
34 have not become due and payable as of the date disclosure is
35 provided pursuant to this subdivision.

36 (9) If there is a provision in the governing documents that
37 prohibits the rental or leasing of any of the separate interests in
38 the common interest development to a renter, lessee, or tenant, a
39 statement describing the prohibition.

(10) If requested by the prospective purchaser, a copy of the minutes of board meetings, excluding meetings held in executive session, conducted over the previous 12 months, that were approved by the board.

(b) This section does not apply to an owner that is subject to Section 11018.6 of the Business and Professions Code.

SEC. 11. Section 4528 of the Civil Code is amended to read:
4528. The form for billing disclosures required by Section 4530 shall be in at least 10-point type and substantially the following form:

CHARGES FOR DOCUMENTS PROVIDED AS REQUIRED BY SECTION 4525*

Property Address

Owner of Property

Owner's Mailing Address (If known or different from property address.)

Provider of the Section 4525 Items:

Print Name _____ Position or Title _____ Association or Agent

Date Form Completed

Check or Complete Applicable Column or Columns Below

Document	Civil Code Section Included	Not Available (N/A) or Not Applicable (N/App)
Articles of Incorporation or statement that not incorporated	Section 4525(a)(1)	

1	CC&Rs	Section 4525(a)(1)
2		
3	Bylaws	Section 4525(a)(1)
4		
5	Operating Rules	Section 4525(a)(1)
6		
7	Age restrictions, if any	Section 4525(a)(2)
8	Rental restrictions, if any	Section 4525(a)(9)
9	Annual budget report or summary,	Sections 5300 and
10	including reserve study	4525(a)(3)
11		
12	Assessment and reserve funding	Sections 5300 and
13	disclosure summary	4525(a)(4)
14		
15	Financial statement review	Sections 5305 and
16		4525(a)(3)
17		
18	Assessment enforcement policy	Sections 5310 and
19		4525(a)(4)
20		
21	Insurance summary	Sections 5300 and
22		4525(a)(3)
23		
24	Regular assessment	Section 4525(a)(4)
25		
26	Special assessment	Section 4525(a)(4)
27		
28	Emergency assessment	Section 4525(a)(4)
29		
30	Other unpaid obligations of seller	Sections 5675 and
31		4525(a)(4)
32		
33	Approved changes to assessments	Sections 5300 and
34		4525(a)(4), (8)
35		
36	Settlement notice regarding	Sections 4525(a)(6),
37	common area defects	(7), and 6100
38		
39	Preliminary list of defects	Sections 4525(a)(6),
40		6000, and 6100

Notice(s) of violation Sections 5855 and
4525(a)(5)

Required statement of fees Section 4525

Minutes of regular board meetings Section 4525(a)(10)
conducted over the previous 12
months, if requested

Total fees for these documents:

* The information provided by this form may not include all fees that may be imposed before the close of escrow. Additional fees that are not related to the requirements of Section 4525 may be charged separately.

SEC. 12. Section 4530 of the Civil Code is amended to read:

4530. (a) (1) Upon written request, the association shall, within 10 days of the mailing or delivery of the request, provide the owner of a separate interest, or any other recipient authorized by the owner, with a copy of the requested documents specified in Section 4525.

(2) The documents required to be made available pursuant to this section may be maintained in electronic form, and may be posted on the association's Internet Web site. Requesting parties shall have the option of receiving the documents by electronic transmission if the association maintains the documents in electronic form. ~~Delivery~~

(3) *Delivery* of the documents required by this section shall not be withheld for any reason nor subject to any condition except the payment of the fee authorized pursuant to subdivision (b).

(b) (1) The association may collect a reasonable fee based upon the association's actual cost for the procurement, preparation, reproduction, and delivery of the documents requested pursuant to this section. ~~Upon Additional fees shall not be charged by the association for the electronic delivery of the documents requested.~~

(2) Upon receipt of a written request, the association shall provide, on the form described in Section 4528, a written or electronic estimate of the fees that will be assessed for providing the requested documents.

1 ~~(2) No additional fees may be charged by the association for~~
2 ~~the electronic delivery of the documents requested.~~

3 (3) (A) *A cancellation fee for documents specified in subdivision*
4 *(a) shall not be collected if either of the following applies:*

5 (i) *The request was canceled in writing by the same party that*
6 *placed the order and work had not yet been performed on the*
7 *order.*

8 (ii) *The request was canceled in writing and any work that had*
9 *been performed on the order was compensated.*

10 (B) *The association shall refund all fees collected pursuant to*
11 *paragraph (1) if the request was canceled in writing and work had*
12 *not yet been performed on the order.*

13 (C) *If the request was canceled in writing, the association shall*
14 *refund the share of fees collected pursuant to paragraph (1) that*
15 *represents the portion of the work not performed on the order.*

16 ~~(3)~~

17 (4) Fees for any documents required by this section shall be
18 distinguished from other fees, fines, or assessments billed as part
19 of the transfer or sales transaction.

20 ~~(4) If a request for documents is canceled in writing, the~~
21 ~~association shall refund all fees collected pursuant to paragraph~~
22 ~~(1) or an amount that represents the portion of the work not~~
23 ~~performed.~~

24 ~~(5) If a request for documents is canceled in writing by the same~~
25 ~~party making the request and work had not been performed to meet~~
26 ~~the request, a cancellation fee may not be charged or collected.~~

27 ~~(6) If a request for documents is canceled in writing and a fee~~
28 ~~was collected for an amount that represents the portion of the work~~
29 ~~performed to meet the request, a cancellation fee may not be~~
30 ~~charged or collected.~~

31 (c) An association may contract with any person or entity to
32 facilitate compliance with ~~subdivision (b)~~ *this section* on behalf
33 of the association.

34 (d) The association shall also provide a recipient authorized by
35 the owner of a separate interest with a copy of the completed form
36 specified in Section 4528 at the time the required documents are
37 delivered.

38 SEC. 13. Section 12191 of the Government Code is amended
39 to read:

12191. The miscellaneous business entity filing fees are the following:

(a) Foreign Associations, as defined in Sections 170 and 171 of the Corporations Code:

(1) Filing the statement and designation upon the qualification of a foreign association pursuant to Section 2105 of the Corporations Code: One hundred dollars (\$100).

(2) Filing an amended statement and designation by a foreign association pursuant to Section 2107 of the Corporations Code: Thirty dollars (\$30).

(3) Filing a certificate showing the surrender of the right of a foreign association to transact intrastate business pursuant to Section 2112 of the Corporations Code: No fee.

(b) Unincorporated Associations:

(1) Filing a statement in accordance with Section 18200 of the Corporations Code as to principal place of office or place for sending notices or designating agent for service: Twenty-five dollars (\$25).

(2) Insignia Registrations: Ten dollars (\$10).

(c) Community Associations and Common Interest Developments:

(1) Filing a statement by a community association in accordance with Section 5405 of the Civil Code to register the common interest development that it manages: An amount not to exceed thirty dollars (\$30).

(2) Filing an amended statement by a community association in accordance with Section 5405 of the Civil Code: No fee.

SEC. 14. Section 65585.2 of the Government Code is repealed.

~~65585.2. Notwithstanding any other provision of law, any city or county that has a housing element that has been self-certified pursuant to the requirements of Section 65585.1 shall be considered to be fully eligible to participate in any program created by, or receiving funds through, the Housing and Emergency Shelter Trust Fund Act of 2002 in an identical manner and to the same degree, as those local jurisdictions deemed in substantial compliance with the requirements of this article by the Department of Housing and Community Development pursuant to Section 65585.~~

SEC. 15. Section 13114 of the Health and Safety Code is amended to read:

1 13114. (a) The State Fire Marshal, with the advice of the State
2 Board of Fire Services, shall adopt regulations and standards as
3 he or she may determine to be necessary to control the quality and
4 installation of fire alarm systems and fire alarm devices marketed,
5 distributed, offered for sale, or sold in this state.

6 (b) (1) No person shall market, distribute, offer for sale, or sell
7 any fire alarm system or fire alarm device in this state unless the
8 system or device has been approved and listed by the State Fire
9 Marshal.

10 (2) (A) Commencing ~~January 1, 2014~~, *January 1, 2015*, in order
11 to be approved and listed by the State Fire Marshal, a smoke alarm
12 shall display the date of manufacture on the device, provide a place
13 on the device where the date of installation can be written,
14 incorporate a hush feature, ~~incorporate an end-of-life feature that~~
15 ~~provides notice that the device needs to be replaced~~, *feature*, and,
16 if battery operated, contain a nonreplaceable, nonremovable battery
17 that is capable of powering the smoke alarm for a minimum of 10
18 years.

19 (B) The State Fire Marshal shall have the authority to create
20 exceptions to this paragraph through its regulatory process. The
21 exceptions that may be considered as part of the regulatory process
22 shall include, but are not limited to, fire alarm systems with smoke
23 detectors, fire alarm devices that connect to a panel, or other
24 devices that use a low-power radio frequency wireless
25 communication signal.

26 (3) The State Fire Marshal shall approve the manufacturer's
27 instructions for each smoke alarm and shall ensure that the
28 instructions are consistent with current building standard
29 requirements for the location and placement of smoke alarms.

30 ~~(4) If the State Fire Marshal determines that a sufficient amount~~
31 ~~of tested and approved smoke alarms are not available to property~~
32 ~~owners to meet the requirements of this article as of January 1,~~
33 ~~2014, the State Fire Marshal may suspend enforcement of the~~
34 ~~requirements described in paragraph (2) for a period not to exceed~~
35 ~~six months. If the State Fire Marshal elects to suspend enforcement~~
36 ~~of these requirements, the department shall notify the Secretary~~
37 ~~of State of its decision and shall post a public notice that describes~~
38 ~~its finding and decision on its Internet Web site.~~

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